

2-2891

IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

DIVISION THREE

(CIV.# B 038 975)

(SUPERIOR COURT # C 420 153)

THE CHURCH OF SCIENTOLOGY OF CALIFORNIA
AND MARY SUE HUBBARD, APPELLANTS

V.

GERALD ARMSTRONG DEFENDANT

BENT CORYDON, RESPONDENT

APPEAL FROM SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF
LOS ANGELES, JUDGE BRUCE R. GEERNAERT

AMECUS CURAE BRIEF IN SUPPORT OF THE MERITS OF THE POSITION OF
GERALD ARMSTRONG

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INTRODUCTION

I Lawrence D. Wollersheim submit this Amecus Curae brief in support of the merits of the position of Gerald Armstrong and Bent Corydon in opposition to the Church of Scientology's appeal to this Appeals Court to maintain a sealed records status in LASC NO. C420153, The Church of Scientology v. Gerald Armstrong.

I am submitting this because My Amecus brief is representative of the views of several different groups of individuals who would be adversely effected if the court should decide not to reopen these court records to the public. The first group is that of former members currently, previously, or potentially sometime in the future involved in litigation against Scientology.¹ The second group is that of former members harmed by the actions and policies of Scientology who have been afraid to speak out or are currently unaware that it was Scientology that was the true source of the harm to them. The third group is that of the families of former members harmed by Scientology.

My family and I are directly representative of the first and third of these groups. I have also been in communication with other former harmed members, their families and former harmed member and family support networks. The positions in this brief are a fair representation of a consensus expressed to me over my approximately

1. I am currently before the U.S. Supreme Court in litigation with Scientology in U.S. 89-1361 Church of Scientology v. Wollersheim.

11 year experience with such groups.¹

This brief also serves formal notice to the court on other pending litigation containing information necessary to resolve this action. This information is contained in the recently filed Supplemental brief of the Respondent of November 1990, at the U.S. Supreme Court in U.S. 89-1361, The Church of Scientology v. Wollersheim. This Supplemental brief with its appendices contains critical information on pending and past Scientology litigation of precise relevance to the issues raised in this Amecus brief and the decision under consideration by this lower state court.

The importance of this new Supplemental brief to the Armstrong matter is further underscored by Scientology's direct or indirect, anticipated, or already ongoing efforts to bar or seal the before mentioned document from the public as well.

ARGUMENT

There are three main reasons for the Court to reject the appeal of Scientology to maintain a sealed status on the Armstrong case. These are, to protect the public safety, to serve the public interests of justice, and to rectify the previous misapplication of justice involved in originally sealing the Armstrong records.

TO PROTECT THE PUBLIC SAFETY

1. If any group would be disallowed from this brief, the brief would be still applicable for the remaining groups, as logic dictates.

The information contained in the Armstrong case clearly shows the actual intentions, motivations, and nature of L Ron Hubbard the founder of Scientology. These authoritative documents also evidence the actual origins and nature of his created alter ego, Scientology and Dianetics. These documents show a massive, critical, and fundamental contradiction to what Scientology and L Ron Hubbard publicly claim themselves to be. Therein lies their focal importance requiring public disclosure to protect the public safety.

Logically one could reason that the Armstrong documents reveal a massive fraud and malevolent intent toward the public. But, even that would not be the most dangerous issue affecting public safety. Denying public access to these records denies use of the natural checks and balances of our open and democratic system. That is the most dangerous issue and possible precedent, which this action presents. To exercise any meaningful informed consent our public, particularly our teens, young adults, and families must have access to all relevant information affecting their safety.

After reviewing the Armstrong documents, the one comment that it would be impossible to make about this court record is, that they are irrelevant, either historically, legally, morally, or otherwise. Millions of dollars in taxpayer money has been spent world wide to expose the dangers and contradictions in Scientology's presentations of itself, L. Ron Hubbard, its actions, its nature, and its intentions. The Armstrong documents represent the unifying hub of the wheel for these previous taxpayer paid, world wide disclosures. The Armstrong case is the most critical and focal single piece of the Scientology puzzle that ever has become available, anywhere. It is the key missing piece. It brings the already

existing body of public knowledge about Scientology into completion. It is the piece from which all the other disclosures finally focus in and become clear. It is the completing piece from which one can finally decide with certainty, just what one is really looking at.

Scientology also is also painfully aware of this. Emphasizing this point, several former members have commented that if they previously would have seen the Hubbard archival documents after as little as just 5 minutes of review, no matter how long they had been a loyal Scientology member they would have immediately abandoned the organization.

These documents are absolutely critical to the public safety. If the families of former members could have had access to them to bring to their children's attention to help establish a prior informed consent process, it is reasonable that the tremendous physical and psychological hardships and expenses caused by Scientology could have easily been avoided.

Without their children first evaluating these documents for themselves, what loving parent could read these documents and recommend their child or anyone else's child go into L Ron Hubbard's Scientology. At least reviewing them beforehand, they would have exercised an informed consent choice weather or not to associate with the organization. ¹

1. The significance of the size of the former membership\victim factor should be evaluated in perspective of Scientology's claimed membership versus outside estimates of its current actual membership. Scientology claims 5-6 million members. Outside sources estimate its actual worldwide active membership between 25-35 thousand members. Scientology seems to be counting as members everyone who ever bought a book or service from them during the last 40 years. In perspective this implies that 98-97 percent of

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Scientology's danger to the public safety is additionally multiplied by the factor that Scientology uses coercive persuasion. Coercive persuasion is a new more powerful psychotechnology advancement and successor to the older forms of thought reform and brainwashing. The "new technology" advances found in coercive persuasion allow the user to unknowingly and unduly influence the recipients without the presence of physical torture, restraint, or drugs common to the older and cruder 40's and 50's technologies of brainwashing and thought reform.

The implications of individuals exposed unknowingly and non volitionally to this technology is shown in United States v. Lee

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everyone that ever purchased anything from Scientology or has taken one of their courses is no longer involved or in other words has become a former member\possible victim. From this perspective, the previously hidden potential victimization danger factor among former membership is substantial. From my experience and that of other former members, Scientology hides, suppresses, or falsifies the critical information necessary for informed consent. (See Supplemental brief noticed earlier appendix 3 and the Reply to Brief in Opposition 4/7/90 appendices U.S. 89-1367 cert denied.) In addition to those information suppression practices, to help silence the majority of former member\victims it feeds threats to its current membership while they are often in highly suggestible and vulnerable states. These stories, (some are actually studied as part of Scientology policy) are common among active membership. They demonstrate that individuals who dare to attack, criticize, harm or go against the organization die suddenly, go insane, become gradually incapacitated, drink draino, or experience some other "fair game" retaliation in this world tactics. Consequently, it can take years for this "silenced" majority that innocently began Scientology to get enough factual information to finally decide to leave. Then if they decide to go public, seek outside help, or seek restitution or damages they then have to break out of a deliberately implanted fear of retaliation in the form of some dire consequence befalling them. (My experience is that few are able to live with this fear so they remain a potential silent majority of victims.)

In many cases their final disassociation from Scientology does not usually occur before the individual, his family, and loved ones have experienced tremendous pain, suffering, financial loss, and for former members the effects of coercive persuasion.

455 U.S. 252,257,258 (1982). The California Supreme court found that: "when a person is subjected to coercive persuasion without his knowledge or consent ...[he may] develop serious and sometimes irreversible physical and psychiatric disorders, up to and including schizophrenia, self-mutilation, and suicide."¹

Contained in the Armstrong documents in Hubbard's own hand are the telling statements showing his desires to mercilessly enslave his fellow man. These and many other materials show the motivation and intent behind the current use of this dangerous technology currently being litigated against Scientology at the U.S. Supreme Court and other lower courts. To hide this information from those who have to evaluate their participation in, or support for, or liability for Scientology is unthinkable.

TO SERVE THE PUBLIC INTERESTS OF JUSTICE

The unavailability of the information sealed in the Armstrong case has greatly obstructed and hindered my attempts to pursue my current case against Scientology and obtain justice. (See particularly U.S. 89-1367 cert. denied and U.S. 89-1361 respondents Supplemental brief, Nov.1990) Had the Armstrong documents been available to me at lower court levels for U.S. 89-1367 it is arguable the Supreme Court may have accepted this petition regarding the validity of Scientology's establishment as a legitimate religious group based on intent and other factors found in the Armstrong

1. Also see, Committee on Foreign Affairs, U.S. House of Representatives Staff Report, "The Assassination of Representative Leo F. Ryan and the Jonestown, Guyana Tragedy," (1979).

documents. Had this information been available it is also arguable that the U.S. Supreme Court would have already denied Scientology's petition in U.S. 89-1361. The sealed information in the Armstrong case authoritatively shows motivation, intent, nature, actuality, and origins for and of L Ron Hubbard and his alter ego Scientology\Dianetics. It is absolutely critical not only to have this information immediately released for my case and Mr. Corydon's but for all current and future litigation involving Scientology and Dianetics anywhere in the world. (See details and listings for ongoing world litigation in my pending Supplemental brief of Nov. 1990 U.S. 89-1361.)

For justice to serve its correctional and healing social "safety valve" purposes it must have all relevant information placed before it. The Armstrong information is information that is critically relevant and must be given to society. Each judge involved in any Scientology litigation should be individually allowed to decide how or if, on a case by case basis, this information can or cannot be used, for the charges of that particular case. To do otherwise would serve as a gross obstruction to the due process of Justice.

Unsealing these documents also serves the public interest of justice in that the mere exposure of these documents will help serve a correctional influence on Scientology itself. The body¹ of

1. Since the body of membership will benefit from the correctional feedback there exist no group or individuals who would in essence benefit if these documents were to remain sealed. History is replete with examples of previous religious groups which have grown and continue to grow from open criticism and correctional exposure. If Scientology would argue that such disclosures would create a burden that would destroy the organization let them learn from the

its membership will be confronted with authoritative new information that will compel corrective change and increased social responsibility. The very correctional intent behind justice.

Free press and the public's right to know are also relevant issues of constitutional justice that come into play in the sealed Armstrong documents. Issues that you are already well aware of and need no more than a mention here as an additional factor.

TO RECTIFY A PREVIOUS MISAPPLICATION OF JUSTICE

On this point I refer the court to the briefs of Gerald Armstrong submitted previously on this matter.

CONCLUSION

To protect particularly the young, the innocent and naive, and the public, the court is asked to unseal immediately the complete Armstrong case. The court is asked to honor the rights and interests of it's citizens in an open and democratic system by giving them immediate access to all critical information necessary to exercise their informed consent in evaluating information for themselves to make meaningful choices concerning the vital issues

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example of the many of now mainstream churches which also went through incriminating and embarrassing exposures when they were unorthodox, small, new religious groups. Furthermore any fear Scientology might express toward what the negative consequences might be for their organization if these documents are unsealed, only highlights the potential for ongoing serious harm to those from whom they wish to hide this information.

in their lives.

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